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Application Number	09/687,892
Filing Date	October 13, 2000
First Named Inventor	Phillip Koh-Kwe Hsu et al.
Group Art Unit	2755
Examiner Name	Not Yet Assigned
Attorney Docket Number	4034-61

ENCLOSURES *(check all that apply)*

☐ Fee Transmittal Form
  ☐ Fee Attached
☐ Petitions to the Commissioner
☐ Request For Corrected Filing Receipt With A Copy Of the Official Receipt
☐ Amendment/Reply
  ☐ After Final
  ☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Information Disclosure Statement
  ☐ Form PTO-1449 ___ References
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/ Incomplete Application
  ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
☒ Petition to Make Special
  ☒ Statement pertaining to pre-examination search; and
  ☒ Detailed discussion of the references submitted with the Information Disclosure Statement

☐ Assignment Papers *(for an Application)*
☐ Drawing(s) - __ Sheets
☐ Licensing-related Papers
☐ Petition
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Small Entity Statement
☐ Request for Refund
☐ CD, Number of CD(s) _____
☐ Express Abandonment Request

☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication Group *(Appeal Notice, Brief, Reply Brief)*
☐ Proprietary Information
☐ Status Letter
☐ Withdrawal of attorney as Attorney or Agent
☒ Other Enclosure(s) *(please identify below):*

Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leslie Gladstone Restaino, Reg. No. 38,893
Signature	*Leslie Gladstone Restaino*
Date	November 17, 2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this date 11/17/2000

Type or printed name	Muriel Fleming		
Signature	*Muriel Fleming*	Date	November 17, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Phillip Koh-Kwe Hsu et al.   Group Art Unit: 2755
Serial No.:   09/687,892   Examiner: Not Yet Assigned
Filed: October 13, 2000   Docket No.:   4034-61
For: SYSTEM AND METHOD FOR DELIVERING A FINANCIAL MESSAGE

Morristown, N.J. 07962
November 17, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Group Director, Group 2755

Sir:

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. § 708.02 (VIII)

Applicant hereby petitions to make special this new application. The application has not yet been examined by the United States Patent and Trademark Office (the "Office").

Applicant submits that all of the claims in this case are directed to a single invention. If the Office determines that all claims presented are not obviously directed to a single invention, then applicant will make an election, without traverse, as a prerequisite to the grant of special status.

A pre-examination search of the subject matter encompassed by the above-identified application has been made by a professional searcher. The pre-examination search was conducted in the United States Patent and Trademark Office. The field of search covered Class 705, Subclasses 36 and 37 and Class 709, Subclasses 203 and 206. A statement pertaining to the pre-examination search, together with a copy of the references deemed most closely related to the subject matter encompassed by the claims, is submitted herewith.

Applicant also submits herewith a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

Kindly charge the $130 fee for this Petition, as well as any additional fee which may be required by 37 C.F.R. 1.17(i) to Deposit Account No. 50-0444.

A duplicate of this Petition is attached.

Respectfully submitted,
Phillip Koh-Kwe Hsu et al.

By: _____
Leslie Gladstone Restaino
(Applicant's Attorney)
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2963465.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Phillip Koh-Kwe Hsu et al.	Group Art Unit:	2755
Serial No.:	09/687,892	Examiner:	Not Yet Assigned
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Sir:

DETAILED DISCUSSION OF THE REFERENCES SUBMITTED WITH THE INFORMATION DISCLOSURE STATEMENT IN COMPLIANCE WITH M.P.E.P. § 708.02 (VIII)

In accordance with M.P.E.P. § 708.02 (VIII), applicants hereby submit a detailed discussion of references applicable to the above-identified application. Each of these references was listed in the Information Disclosure Statement filed with the United States Patent and Trademark Office on October 13, 2000 in connection with the above-identified application.

A.   U.S. Patent No. 5,608,786 to Gordon

U.S. Patent No. 5,608,786 to Gordon, (hereinafter "the '786 patent"), discloses a unified messaging system by which a subscriber can retrieve voice mail, E-mail, facsimiles, and other message types from the Internet in a desired format. The system is comprised of numerous UniPost Access Nodes (UANs) located in different geographical areas. Each UAN contains a hard disk having a separate electronic message mailbox for each subscriber. A mailbox contains a facsimile in-box, a voice in-box, an E-mail box, and a facsimile out-box. The UAN has the capacity to convert messages from one format to another, thus allowing the subscriber to choose how a message will be received.

The '786 patent discloses a globalized message retrieval system of general applicability, thus the alert topics of the present invention are not disclosed. Moreover, the '786 patent fails to disclose a registration system for a client user to input information concerning the topical updates of which the user desires to be apprised. The system of the '786 patent also lacks a message creation system to monitor financial activity and create messages concerning that activity as required by the present invention. Finally, the system of the '786 patent lacks an intervention system allowing an internal user to monitor, edit, and/or add information to a message as required by the present invention. Thus, the present application is patentably distinct from the '786 patent.

B.   U.S. Patent No. 5,708,422 to Blonder et al.

U.S. Patent No. 5,708,422 to Blonder et al., (hereinafter "the '422 patent"), discloses a transaction authorization and alert system which allows a principal to be notified of and/or authorize credit card transactions made by an agent. The system allows a principal to preset transaction criteria which will give rise to an alert, such as a credit limit maximum, a maximum number of transactions allowed per unit time, or a ban on transactions with certain types of establishments such as liquor stores. During a transaction, a card reader sends information about the credit card number, requested credit amount, a merchant code to indicate the type of establishment, and a validation request code to a validation database containing parameters pre-defined by the principal to trigger an alert. If the information received exceeds the scope of authorization given by the principal, an alert is sent to the principal containing the card holder's name and an explanation of the problem. In a preferred embodiment, the principal may respond directly to the alert to authorize the transaction.

The '422 patent discloses a credit card transaction authorization and alert system, and thus fails to disclose the alert topics of the present invention. Moreover, the object of an alert as disclosed by the '422 patent is merely to apprise the principal of an agent's activity and elicit a simple authorization for a proposed transaction. As such, the '422 patent neither discloses nor is amenable to an intervention system as required by the present invention due to the fact that the nature of a credit card transaction does not involve a third-party specialist analogous to the internal

user of the present invention. Thus, the present application is patentably distinct from the '422 patent.

C. U.S. Patent No. 5,745,692 to Lohmann, II et al.

U.S. Patent No. 5,745,692 to Lohmann, II et al., (hereinafter "the '692 patent"), discloses a system and method for the remote administration of a computer server. Alerts concerning problems with the operational status of a server are sent via modem to a centralized AT&T GBCS Conversant™ system. The Conversant™ system identifies the server and can call back the server to retrieve status and/or error information and initiate a call escalation procedure to contact a systems administrator. The call escalation procedure begins with an attempt to contact the systems administrator at a given location. If the individual cannot be reached, the system will attempt to contact him or her at other locations before proceeding to an attempt to contact another administrator. The cycle repeats until an administrator responds to the system. That individual may then perform remote administration of the server via the system.

The '692 patent discloses a remote computer server administration system, and thus fails to pertain to the alert topics of the present invention. Moreover, the system is nearly fully automated, the sole exception being the systems administrator. Thus, the system of the '692 patent is devoid of and incompatible with the use of an intervention system as required by the present invention. These differences make the present application patentably distinct from the '692 patent.

D. U.S. Patent No. 5,754,111 to Garcia

U.S. Patent No. 5,754,111 to Garcia, (hereinafter "the '111 patent"), discloses a medical alerting system for communicating a message concerning a healthcare condition to one or more target recipients. A receiver monitors event files from a hospital information system or network and compares them to an information profile to identify triggering events of which users would like to be informed. The processor then generates a search plan based on the nature of the triggering event as well as user and target profiles to determine the type, manner, and timing of the alert and escalation requirements for contacting back-up targets should the primary target be unavailable.

The system also allows authorized users to inquire about status, change system parameters, or abort the alert.

The '111 patent discloses a medical alerting system for communicating messages concerning healthcare conditions, and thus fails to pertain to the alert topics of the present invention. Moreover, by virtue of the system's function of providing medical information, it does not incorporate a message creation system configured to monitor financial activity as required by the present invention. Finally, the system of the '111 patent does not disclose an intervention system as required by the present invention. Thus, the present application is patentably distinct from the '111 patent.

E. U.S. Patent No. 5,790,790 to Smith et al.

U.S. Patent No. 5,790,790 to Smith et al., (hereinafter "the '790 patent"), discloses an electronic document delivery system that notifies a recipient of an electronic document as to its presence. The system involves sending an electronic document from a sending computer to a server. The server then notifies a receiving computer of the electronic document, and the receiving computer downloads the document according to the receiving computer's local protocols.

The '790 patent discloses an electronic document delivery system that alerts a recipient to the presence of a document. Thus, the '790 patent fails to disclose the alert topics of the present invention. Also, the system of the '790 patent does not incorporate a message creation system configured to monitor financial activity as required by the present invention. Finally, alerts concerning the presence of a document are generated automatically by the server, thus the '790 patent fails to disclose an intervention system as required by the present invention. The present application is therefore patentably distinct from the '790 patent.

F. U.S. Patent No. 5,848,161 to Luneau et al.

U.S. Patent No. 5,848,161 to Luneau et al., (hereinafter "the '161 patent"), discloses a method for providing secured commercial transactions occurring over a networked communications system. A user operating a client unit initiates a commercial transaction by establishing a Secure Sockets Layer (SSL) session with a secured server unit. The secured server

unit then sends an order form to the client unit, including fields for the user to fill in. Upon completion of the form by the user, it is sent back to the secured server unit. The secured server unit responds to receipt of the information by encrypting it using a company subscriber unit PGP public key, transferring the encrypted information to the company subscriber unit, and notifying the company subscriber unit of the transaction. Upon encryption of the information, the dynamic memory of the secured server unit containing the information from the client unit is erased or overwritten. Once the information has been downloaded by the company subscriber unit, the company runs the information through a decryption program using the company subscriber unit's private key.

The '161 patent pertains to a security method for network based commercial transactions, thus it fails to disclose the alert topics of the present invention. Moreover, as orders are placed on a form supplied to a user on a transaction by transaction basis rather than using preset criteria, the '161 patent fails to disclose a registration system as required by the present invention. As one object of the '161 patent is to ensure rapid clearance from the system of any residual information concerning a commercial transaction, such a registration system would hinder the utility of the invention disclosed therein. Finally, the nature of a secured commercial transaction is such that interception, editing, or interpreting of the information by third parties is disfavored. Thus, use of an intervention system as required by the present invention is antithetical to the objects of the invention of the '161 patent. The present application is therefore patentably distinct from the '161 patent.

G.   U.S. Patent No. 5,864,827 to Wilson

U.S. Patent No. 5,864,827 to Wilson, (hereinafter "the '827 patent"), discloses a system and method for providing an information gateway between financial markets and customers. The gateway contains a microprocessor and a memory device, and may include a storage device. The system is designed to obviate the need for a broker to manually translate transaction information received from a customer to a format utilized by an exchange and vice versa. Instead, a customer or a broker can transmit transaction information to the gateway by means of a standard protocol, and the gateway will automatically translate the information to the format(s) used by one or more

exchanges. The gateway also receives acknowledgements and confirmations concerning the transactions from the exchanges, translates them to the standard customer/broker protocol, and transmits them to customers or brokers. The memory and, if present, the storage device, track a number of variables relating to each transaction, including the symbols for the financial instruments that are the subject of the transaction, the transaction type, the quantity of the instrument to be traded, the asking price, the exchange on which the transaction is to occur, whether an acknowledgement has been received, whether a confirmation has been received, order status, the quantity of the instrument already traded, the quantity of the instrument yet to be traded to complete the transaction, and the price at which the instrument has been traded.

The '827 patent discloses a system and method for automatically translating information concerning financial transactions between formats used by customers and brokers and those used by the respective exchanges. The system is designed to provide a customer with information concerning the status of specific transactions entered into by the customer. Thus, the '827 patent fails to disclose the variety of alert topics of the present invention. Moreover, the system of the '827 patent does not incorporate a registration system as required by the present invention to allow a customer to predefine alert topics and formats. Finally, as the object of the '827 patent is to avoid the need for a broker to manually translate financial information between the formats used by customers and exchanges, the system disclosed therein is antithetical to the use of an intervention system as required by the present invention. Thus, the present application is patentably distinct from the '827 patent.

H.   U.S. Patent No. 5,870,717 to Wiecha

U.S. Patent No. 5,870,717 to Wiecha, (hereinafter "the '717 patent"), discloses a system for ordering items over a computer network using an electronic catalog. The system includes means for receiving and processing images and text from a number of catalog content providers for creating and maintaining an electronic catalog, means for receiving a supplier's catalog and price changes, an end-user computer with a user interface, a shadow catalog server having disk storage accessible to end users that contains (1) an electronic catalog and (2) a catalog browser, a master buyer server containing an order manager, a purchase order workflow that controls the flow of a

purchase order through a business before it is transmitted to a supplier, and a purchase order database. The system increases the efficiency of the ordering process by obviating the need to manually draft a purchase order and send it through the customary channels for approval.

The system of the '717 patent involves on-line ordering of items using an electronic catalog, and thus does not incorporate the alert topics of the present invention. Furthermore, the system of the '717 patent does not incorporate a registration system as required by the present invention, but rather generates messages for customers based on the orders that they have placed. Also, the on-line ordering system of the '717 patent fails to incorporate a message creation system configured to monitor financial activity as required by the present invention. Finally, the system of the '717 patent does not include an intervention system as required by the present invention. Thus, the present application is patentably distinct from the '717 patent.

I.   U.S. Patent No. 5,872,921 to Zahariev et al.

U.S. Patent No. 5,872,921 to Zahariev et al., (hereinafter "the '921 patent"), discloses a system and method for processing a continuous data stream and reporting the results of such processing. The system operates on a data stream to isolate data relating to pre-recorded interest criteria and send that data to customers in the form of an alert. This is accomplished by taking finite portions of the data stream at certain time intervals and processing those "time slices" to generate Feed Tables. Feed Tables contain numerous Feed Records, "atoms" of information from the data stream relating to a variety of topics. The system processes a Feed Table by eliminating those Feed Records pertaining to topics in which customers as a group have not expressed interest. The remaining Feed Records comprise a Significant Feed Table, which is then compared with a Customer Interest Table containing the pre-recorded interests of individual customers. An alert is generated when records in the Significant Feed Table match the individual's pre-recorded interests.

The system disclosed in the '921 patent processes data in substantially real time by adjusting the duration of the time slice depending upon the amount of data received during the previous time slice. Thus, the timing of the generation and delivery of the alert varies as a function of the quantity of information fed into the system in the preceding cycle. In contrast, the method of the present application does not require such constraints, but rather forwards the data to users as

soon as it is received. (See specification at page 29, lines 20-24.) Furthermore, the '921 patent fails to disclose the alert topics of the present invention. Finally, as the system of the '921 patent is designed to analyze a data stream and report the results in substantially real time, it does not allow for an intervention system as required by the present invention. Advantageously, the present application discloses an intervention system allowing an internal user to edit the alert message and/or incorporate additional information into it. Thus, the present application is patentably distinct from the '921 patent.

J.   U.S. Patent No. 5,893,091 to Hunt et al.

U.S. Patent No. 5,893,091 to Hunt et al., (hereinafter "the '091 patent"), discloses a system for managing and distributing timely information over a computer network in the form of alerts. Alerts are divided into a keyword part that describes the subject matter and an argument part that provides the actual content of the message. The system involves multicasting of information posted on the network by participating content providers. The information is "pushed" over communication channels on the network that can be monitored by a user. Users predefine notification criteria based on their individual interests and when an alert is broadcast that matches these criteria the client is apprised of the development by means such as a message box containing an alert headline.

The '091 patent fails to disclose the alert topics of the present invention. Moreover, the system disclosed in the '091 patent catalogs and distributes information identically as it was received from a variety of information providers. Thus, the system does not incorporate an intervention system as required by the present invention, nor is there any suggestion that one would be beneficial to the system disclosed therein. Due to these considerations, the present application is patentably distinct from the '091 patent.

K.   U.S. Patent No. 5,926,801 to Matsubara et al.

U.S. Patent No. 5,926,801 to Matsubara et al., (hereinafter "the '801 patent"), discloses an electronic securities trading system designed to alert transacting parties to favorable and unfavorable conditions concerning their market orders. The system tracks the current market

trading conditions with regard to a given security and compares them with the bid order price or the offer order price. When market conditions are such that an order price is unfavorable to a transacting party who uses the system, an audible alert is generated.

The system of the '801 patent performs match processing of information on transaction orders placed by parties on both the order side and the hit side of a transaction to generate alerts concerning trading conditions with respect to the security that is the subject matter of the transaction. Thus, the system does not disclose the variety of alert topics of the present invention. Furthermore, because information processing is performed electronically by the system of the '801 patent and the processing must occur in substantially real time as the alerts pertain to pending orders, the utility of the system is inconsistent with the use of an intervention system as required by the present invention. Thus, the present application is patentably distinct from the '801 patent.

L.   U.S. Patent No. 5,991,735 to Gerace

U.S. Patent No. 5,991,735 to Gerace, (hereinafter "the '735 patent"), discloses a computer program method and apparatus for determining the behavioral profile of a user, thus allowing information to be targeted to users based on such profiles. The program constructs a profile for a user by monitoring the user's activity on a computer network to ascertain topics of interest to the user. The profile is then used to target information to users based on their respective interests. The system also allows users to input information concerning the topical developments of which they wish to be apprised. Upon the occurrence of a relevant event, the program automatically sends an appropriate warning message to the user.

The use of the program of the '735 patent in conjunction with stock and business data is disclosed therein. However, the '735 patent fails to disclose an intervention system as required by the present invention. Moreover, the automated alerts sent by the user's Warnings/Notices Object in the program are inconsistent with a suggestion that such human intervention be incorporated into the system. Thus, the present application is patentably distinct from the '735 patent.

M.   U.S. Patent No. 6,021,397 to Jones et al.

U.S. Patent No. 6,021,397 to Jones et al., (hereinafter "the '397 patent"), discloses a system for advising a user regarding feasible and optimal portfolio allocations among a set of available financial products.   A user inputs information regarding risk preferences, savings preferences, current age, gender, income, expected income growth, current account balances, current financial product holdings, current savings rate, retirement age goal, retirement income goals, available financial products, intermediate and long-term goals, constraints on fund holdings, liabilities, expected contributions, and state and federal tax bracket.   The system then computes an optimum portfolio from among the financial products available to the user and advises the user accordingly.   A plan monitoring system thereafter periodically computes the optimum portfolio, compares it to the user's current portfolio, and warns the user if the user's current portfolio is inefficient for meeting the user's financial goals.

The system of the '397 patent alerts users to the need to change their portfolios to reach prospective financial goals, thus, although the '397 patent pertains to financial advice, it fails to disclose the alert topics of the present invention.   Moreover, the system generates and sends alerts automatically, and thus is inconsistent with the use of an intervention system as required by the present invention.   Thus, the present application is patentably distinct from the '397 patent.

N.   U.S. Patent No. 6,021,433 to Payne et al.

U.S. Patent No. 6,021,433 to Payne et al., (hereinafter "the '433 patent"), discloses a system and method for data communication connecting on-line networks with on-line and off-line computers.   According to the invention, the notification centric portions of information from sources such as on-line services and information providers are wirelessly broadcast nationwide to receivers connected to computing devices.   Users are notified of such incoming messages by multimedia viewers operating on their computing devices.   Each message includes an Internet address for the user to retrieve detailed information concerning the subject of the message, and the user can click on a button within the multimedia viewer to make a wired connection to that site to obtain more details.

The '433 patent discloses a system and method for the transmission of information, discussed generically, to on-line and off-line computers. Thus, the alert topics of the present invention are not disclosed. Moreover, in keeping with the object of immediate notification of developments to a user, the system of the '433 patent is designed to automatically process information and forward a simple notification to a user concerning the presence of information on a topic of interest to the user and an Internet address to visit for more information. Thus, no provision is made for an intervention system as required by the present invention. For these reasons, the present application is patentably distinct from the '433 patent.

O.   U.S. Patent No. 6,023,700 to Owens et al.

U.S. Patent No. 6,023,700 to Owens et al., (hereinafter "the '700 patent"), discloses a system for integrating electronic mail, voice mail, and fax mail communications. The system provides an electronic mail gateway that allows mail recipients to select the format of the messages that they will receive. An incoming message from a sender is compared against a recipient's profile to determine the format, if any, to which the message should be converted.

The '700 patent discloses a system for converting generic electronic mail, voice mail, or fax mail communications to a format desired by the recipient. Thus, the alert topics of the present invention are not discussed in the '700 patent. Moreover, although the system of the '700 patent incorporates a feature allowing a user to define rules for routing incoming and outgoing messages, it fails to incorporate a registration system allowing a user to select the topics of the messages the user desires to receive as required by the present invention. Finally, as the system of the '700 patent effectively translates incoming messages to a format desired by a recipient, an intervention system allowing a third party to add to or edit the content of a message, as required by the present invention, is lacking. Thus, the present application is patentably distinct from the '700 patent.

P.   U.S. Patent No. 6,029,146 to Hawkins et al.

U.S. Patent No. 6,029,146 to Hawkins et al., (hereinafter "the '146 patent"), discloses a system and method for confirming and settling trade orders placed between brokers from various regions of the world. The system is designed to improve the efficiency of broker to broker trade

confirmations by automating that process. An originating broker who seeks to make a transaction in a different region of the world transmits an order message directed to a broker operating in that region from an originating broker workstation to a host computer. The host computer stores the order message and automatically transmits it to the executing broker when that person connects to the system. Upon execution of the order, the executing broker transmits a confirmation message from an executing broker workstation to the host computer, which automatically matches the confirmation message to the corresponding order message from the originating broker and prepares a notification message and transmits it to the originating broker's clearing agent. The system also transmits a copy of the notification message to the executing broker so that he or she can review it for errors, and transmits the confirmation message to the originating broker.

The confirmation messages of the system of the '146 patent involve notices of the complete execution of a trade to the originating broker. The notification messages of the system of the '146 patent involve notices of the need for the originating broker's clearing agent to receive securities against payment and the executing broker to deliver securities against payment, or vice versa, depending on whether the order was a buy or a sell order, respectively. Thus, the '146 patent fails to disclose the breadth of alert topics incorporated in the present invention. Moreover, the method of the '146 patent does not incorporate a registration system as required by the present invention, but rather generates messages based on the identity of the particular transaction involved. Finally, although the notification messages of the '146 patent are transmitted to the executing broker for error checking, an intervention system allowing an individual to edit or add content to those messages as required by the present invention is not disclosed. Thus, the present application is patentably distinct from the '146 patent.

Q.   U.S. Patent No. 6,047,264 to Fisher et al.

U.S. Patent No. 6,047,264 to Fisher et al., (hereinafter "the '264 patent"), discloses a method for automatically updating the status of customers' orders and shipments via electronic mail. The method is implemented by a program on a server that periodically sends status requests to common carrier shipping services. Upon receipt of the status information from a carrier, it is stored in a flagged location in a status database on the server. An electronic mail messenger

periodically checks the status database and automatically generates mail messages for customers based upon status updates.

The method of the '264 patent involves the production of messages concerning shipping order status and thus fails to disclose the alert topics of the present invention. Furthermore, the method of the '264 patent does not incorporate a registration system as required by the present invention, but rather generates messages for a customer based on the orders placed by that customer with a common carrier. The method of the '264 patent also lacks a message system configured to monitor financial activity as required by the present invention. Finally, as the messages concerning order and shipping status are generated by the program recited in the '264 patent without human intervention, the method of the '264 patent is inconsistent with the use of an intervention system as required by the present invention. Thus, the present application is patentably distinct from the '264 patent.

R.   U.S. Patent No. 6,049,291 to Kikinis

U.S. Patent No. 6,049,291 to Kikinis, (hereinafter "the '291 patent"), discloses a two-way pager system adapted for interactive communications between a pager server and a subscriber carrying a pager. The subscriber can preprogram alert notification criteria to receive alerts concerning specific topics at set time intervals. The alerts contain labels for the pager buttons to allow a subscriber to make use of preprogrammed responses. These preprogrammed responses can be changed incrementally by pressing repeatedly on a pager button to obtain the desired response.

The '291 patent discloses a system for stock transaction alerts and thus fails to disclose the variety of alert topics of the present invention. Also, the system disclosed in the '291 patent provides for direct interaction of subscribers with a pager server. Information from various providers is accumulated on the pager server and processed to send alerts automatically to the pager. Thus, the system does not incorporate an intervention system as required by the present invention, nor does the '291 patent suggest that one would be desirable given that interactivity of the pager system to empower the user to act rapidly on changing market information was a key goal in the development of the invention described therein. Due to these considerations, the present application is patentably distinct from the '291 patent.

S.   <u>Wall Street Directory, *"The Edge"*</u>

The Edge disclosure concerns stock tracking software from the BulletProof corporation that sends stock alert pages to a user throughout the trading day. The program automatically gathers information on stocks preselected by the user, and sends stock alerts to the user should market conditions meet the user's predefined criteria for notification.

The software disclosed in the Edge reference fails to provide for an intervention system as required by the present invention. Moreover, the large extent of automation involved in the system negates any suggestion that such a feature be included. Thus, the present application is patentably distinct from the Edge disclosure.

T.   <u>Emerald Intelligence, *"Emerald E-mail Alert Service"*</u>

The Emerald E-mail Alert Service provides a user with electronic mail notices of newly published articles from journals in the service's library preselected by the user. The user receives approximately one message per journal per month consisting of the article title, ISSN number, volume and issue number, page numbers, author, keywords, article type and quality indicators.

This service pertains to notices regarding new journal articles, thus the alert topics of the present invention are not disclosed. Furthermore, the message creation system of the Emerald service is not configured to monitor financial activity as required by the present invention. Finally, the Emerald service does not provide for an intervention system as required by the present invention, and there is no suggestion of the need for one given the simple nature of the alerts. Thus, the present application is patentably distinct from the Emerald disclosure.
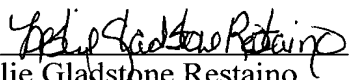
U.   <u>Dialog.com, *"Dialog Select Alerts"*</u>

Dialog Select Alerts provides a user with electronic mail containing new documents from sources in the service's library preselected by the user. The user receives a list of titles of the new documents, and can access the documents themselves by opening the title list with a web browser.

This service pertains to notices regarding new documents, thus the alert topics of the present invention are not disclosed. Furthermore, the message creation system of the Dialog.com service is not configured to monitor financial activity as required by the present invention. Finally,

the Dialog.com service does not provide for an intervention system as required by the present invention, and the elementary function of the alert message fails to present a need for one. Thus, the present application is patentably distinct from the Dialog.com disclosure.

Respectfully submitted,
Phillip Koh-Kwe Hsu et al.

By: _Leslie Gladstone Restaino_
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Phillip Koh-Kwe Hsu et al.   Group Art Unit: 2755
Serial No.:   09/687,892   Examiner: Not yet assigned
Filed: October 13, 2000   Docket No.:   4034-61
For: SYSTEM AND METHOD FOR DELIVERING A FINANCIAL
MESSAGE

Morristown, N.J. 07962
November 17, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT PERTAINING TO PRE-EXAMINATION SEARCH
IN ACCORDANCE WITH MPEP § 708.02(VIII)

In accordance with MPEP § 708.02 (VIII), applicants, by and through their attorney, hereby submit that a pre-examination search was made for the above-identified application. The search was conducted by applicants' agents at the United States Patent and Trademark Office. The field of search covered class 705, subclasses 36 and 37 and class 709, subclasses 203 and 206. Examiner Thong Vu in class 709, Art Unit 2755 was consulted in confirming the field of search.
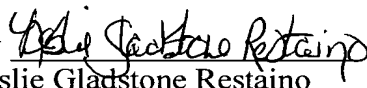
The search identified the following references:

U.S. Patent Number	Inventors(s)
5,608,786	Gordon
5,708,422	Blonder et al.
5,745,692	Lohmann, II et al.
5,754,111	Garcia
5,790,790	Smith et al.
5,848,161	Luneau et al.
5,864,827	Wilson
5,870,717	Wiecha
5,872,921	Zahariev et al.
5,893,091	Hunt et al.
5,926,801	Matsubara et al.
5,991,735	Gerace
6,021,397	Jones et al.
6,021,433	Payne et al.
6,032,700	Owens et al.
6,029,146	Hawkins et al.
6,047,264	Fisher et al.
6,049,291	Kikinis

Non-Patent Publications:

    a.   Wall Street Directory, Edge.
    b.   Emerald e-mail alerts.
    c.   Dialog select alerts.

Each of the foregoing references has been identified and discussed in the Detailed Discussion of the References Submitted in Compliance with MPEP § 708.02(VIII), enclosed herewith.

Respectfully submitted,
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Enclosures

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